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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/046,257

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Mutsumi Matsumoto

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

GART, MATTHEW S

ART UNIT

PAPER NUMBER

3687

MAIL DATE

DELIVERY MODE

03/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/046,257	Applicant(s) MATSUMOTO, MUTSUMI	
	Examiner Matthew S. Gart	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,7,9 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,7,9 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prosecution History Summary

Claims 1, 4, 7, 9, 12-15 are pending in the instant application.

Response to Amendment

The objections of claims 9 and 12 are vacated in view of the Applicant's amendment filed on 1/2/2008.

The rejections of claims 1 and 4 under 35 U.S.C. 112, second paragraph, are vacated in view of the Applicant's amendment filed on 1/2/2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Moreno (Patent Application Publication No. 2002/0035515 A1).

Moreno claims priority to provisional application 60/218,400 filed on July 14, 2000. Said provisional application provides 35 U.S.C. 112, first paragraph support for paragraphs 0001 – 0081 of the Moreno reference. Said provisional application does not provide 35 U.S.C. 112, first paragraph support for paragraphs 0082 - 0112 of the Moreno reference, therefore those sections of Moreno do not qualify as prior art.

Moreno discloses a method of and apparatus for managing delivery goods when directly delivering goods from a deliverer (Moreno: paragraph 0053, “Depending upon the vendor providing the goods/services, delivery may be obtained by a designated deliverer, by a commercial deliverer, or by another entity.”) to a location associated with

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a recipient (Moreno: paragraph 0053, “Next, the process continues with delivering the goods/service to the locker...”) comprising:

- Receiving, at a delivery goods management apparatus, information for a request to confirm reception of delivery goods entered by a deliverer when a recipient of the delivery goods from the location is absent (Moreno: paragraphs 0064 through 0065, “Upon arriving at the storage unit, the carrier appropriately provides the designated tracking code, access code, or other required verifications...”), wherein the information includes a message requesting the recipient to confirm as to whether the recipient approves delivery of the goods by the deliverer to the location (Moreno: paragraph 0064, “...for example, a verbal verification...”);
- Extracting recipient information from a storage unit which stores the recipient information corresponding to the information for the delivery goods reception confirmation requests (Moreno: paragraph 0066, “Upon delivering /picking-up the goods and securing the locker, the system then notifies the server...”); and
- Notifying said recipient of confirmation request information based on the recipient information while the recipient is absent from the location (Moreno: paragraph 0066), said method further comprising:
- Further storing information for a deliverer corresponding to delivery goods identification information in said storage unit and receiving the delivery goods identification information and reception approval information entered by said recipient (Moreno: paragraph 0067);

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- Extracting the deliverer information relevant to the delivery goods identification information from said storage unit (Moreno: paragraph 0067); and
- Notifying said deliverer of the reception approval information based on the deliverer information (Moreno: paragraph 0067).

The Examiner notes, the claims require the recipient to confirm as to whether the recipient approves or rejects delivery. The claims are written utilizing alternative language, and accordingly, once a positively recited step is satisfied (i.e., either approving or rejecting), the method as a whole is satisfied - regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

Response to Arguments

Applicant's arguments, with respect to the rejection of claims 1, 4, 13 and 14 under 35 U.S.C. 102(e), have been fully considered and are not persuasive.

The Applicant argues that Moreno fails to disclose "further storing information for a deliverer corresponding to the delivery goods information in said storage unit and receiving the delivery goods identification information and reception approval/refusal information entered by said recipient," as recited in claim 1.

The Examiner notes, the claims require the recipient to confirm as to whether the recipient approves or rejects delivery. The claims are written utilizing alternative language, and accordingly, once a positively recited step is satisfied (i.e., either approving or rejecting), the method as a whole is satisfied - regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

It is clear that Moreno does disclose that when the customer desires to receive his delivered goods, the customer suitably enters the access code or other verification. The system then verifies the accuracy of such access code/verification. If the access code/verification is incorrect appropriate measures are taken. When the access code/verification is correct, the locker is unlocked and the customer is then allowed to retrieve the goods (Block 436). Upon removing all goods and/or securing the locker, the

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service provider is notified that the customer has received the goods (Moreno: paragraph 0068). In other words the service provider is notified that the recipient accepted the delivery.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew S. Gart whose telephone number is 571-272-3955. The examiner can normally be reached on M-F, 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Matthew S Gart/

Primary Examiner, Art Unit 3625